

United States Environmental Protection Agency
Region 10
Office of Air Quality
1200 Sixth Avenue
Seattle, Washington 98101



**AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE**

Permit Number: R10T5-ID-00-02

Issue Date: August 8, 2001

Expiration Date: August 8, 2006

Effective Date: August 8, 2001

Replaces Permit No.: N/A

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

Empire Lumber Company, dba Kamiah Mills
P.O. Box 638
Kamiah, Idaho 83536-0638

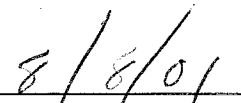
is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. This source is authorized to operate in the following location:

Highway 12 and Railroad Street near Kamiah
Latitude: 461336 Longitude: 1160106

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

The permit number cited above should be referenced in correspondence regarding this facility.


Charles E. Findley, Acting Regional Administrator


Date

Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
EIP	Economic Incentives Programs
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
mmBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
ng/j	Nanograms per joule
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
PM	Particulate Matter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO ₂	Sulfur Dioxide
tpy	tons per year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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Statement of Basis

I. Source Identification

Parent Company Name: Empire Lumber Company, dba Kamiah Mills

Parent Company Mailing Address: P. O. Box 1988
Spokane, Washington 99211

Plant Name: Empire Lumber Company, dba Kamiah Mills

Plant Location: P. O. Box 638
Kamiah, Idaho 83536-0638

Latitude: 461336
Longitude: 1160106

County: Lewis

EPA Region: 10

Reservation: Nez Perce **Tribe:** Nez Perce

Company Contact: Mike Steiger **Phone:** 208 935 2536 Ext. 24

Plant Manager/Contact: Mike Steiger **Phone:** 208 935 2536 Ext. 24

Responsible Official: David A. Klaue **Phone:** 509 534 0393

Tribal Contact: Aaron Miles **Phone:** 208 843 7146

SIC Code: 2421

AFS Plant Identification Number: 1606100002

Description of Process: Empire Lumber Company (the permittee) is a lumber planing mill, which involves drying and planing boards into finished lumber.

Other Clean Air Act Permits: none

II. Permit Shield

- (a) Compliance with the terms and conditions of this permit shall be deemed compliance with the applicable requirements specifically listed in Sections III and IV of this permit as of the date of permit issuance.

[40 CFR § 71.6(f)(1)]

- (b) Nothing in this permit shall alter or affect the following:

- (i) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section;
- (ii) The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- (iii) The applicable requirements of the acid rain program, consistent with section 408(a) of the Act; or
- (iv) The ability of the EPA to obtain information under Section 114 of the Clean Air Act.

[40 CFR § 71.6(f)(3)]

III. Requirements for Specific Units

III.A. The wood gasification burner (emission unit B-1) is subject to the requirements of 40 CFR part 60, subparts A and Dc (NSPS for small steam generating units)

- (a) Work Practice Requirements

- (i) At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the wood gasification burner, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 CFR § 60.11(d)]

- (ii) The permittee shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance

with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR § 60.12]

(iii) The permittee shall provide or cause to be provided performance testing facilities in accordance with 40 CFR § 60.8(e).

[40 CFR § 60.8(e)]

(b) Recordkeeping and Reporting Requirements (See also **section V** of this permit)

(i) The permittee shall record and maintain records of the amounts of each fuel combusted in the wood gasification burner during each day.

[40 CFR § 60.48c(g)]

(ii) The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the wood gasification burner; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 CFR § 60.7(b)]

(iii) The permittee shall maintain at the facility a file of all measurements including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR part 60, subpart A and subpart Dc in a permanent form suitable for inspection in accordance with 40 CFR § 60.7(f).

[40 CFR § 60.7(f)]

(iv) All records required by this permit shall be maintained by the permittee for a period of five years following the date of such record.

[40 CFR § 60.48c(i) and § 71.6(a)(3)(ii)(B)]

IV. Facility-Wide Requirements

Conditions in this section of the permit apply to the facility as a whole.

IV.A. Chemical Accident Prevention Program

The permittee shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR part 68 no later than the latest of the following dates:

(a) Three years after the date on which a regulated substance, present above the

threshold quantity, is first listed under 40 CFR § 68.130; or

- (b) The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR § 68.10(a)]

IV.B. Stratospheric Ozone and Climate Protection

- (a) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
 - (i) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.
 - (ii) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.
 - (iii) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.
 - (iv) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR § 82.166. ("MVAC-like appliance" as defined at 40 CFR § 82.152)
 - (v) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR § 82.156.
 - (vi) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR § 82.166.

[40 CFR part 82, subpart F]

- (b) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee must comply with all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

[40 CFR part 82, subpart B]

IV.C. Asbestos Removal and Disposal

- (a) The permittee shall comply with 40 CFR part 61, subpart M when conducting any renovation or demolition at the facility.

[40 CFR part 61, subpart M]

V. General Testing, Recordkeeping, and Reporting Requirements

V.A. General Testing Requirements

The permittee is not subject to any general testing requirements.

V. B. General Recordkeeping Requirements

In addition to the recordkeeping requirements contained in **Sections III, IV, and VI.D.(d)** of this permit, the permittee shall comply with the following generally applicable recordkeeping requirements:

- (a) The permittee shall keep records of required monitoring information that include the following:
 - (i) The date, place, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and
 - (vi) The operating conditions as existing at the time of sampling or measurement.

[40 CFR § 71.6(a)(3)(ii)(A)]

- (b) The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[40 CFR § 71.6(a)(3)(ii)(B)]

V.C. General Reporting Requirements

In addition to the reporting requirements contained in **Sections III, IV, and VI.D** of this permit, the permittee shall comply with the following generally applicable reporting requirements:

- (a) The permittee shall submit to EPA Region 10 reports of any required monitoring for each six-month reporting period from April 1 to September 30 and from October 1 to March 31, except that the first reporting period shall begin on the effective date of this permit and end on September 30. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with **Section V.D.**

[40 CFR § 71.6(a)(3)(iii)(A)]

- (b) The permittee shall promptly report deviations from permit conditions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken to the EPA Regional Office. Prompt is defined as follows:

- (i) Any definition of prompt or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
- (ii) Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - 1. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - 2. For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
 - 3. For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in **Section V.C.(a).**

[40 CFR § 71.6(a)(3)(iii)(B)]

- (c) For the purposes of subparagraph (b) above, the permittee shall report deviations using the following numbers:
Telephone: (206) 553-1505

Facsimile: (206) 553-0110 ATTN: Part 71 Deviation Report
[40 CFR § 71.6(a)(3)(iii)(B)]

- (d) The permittee shall notify by telephone or facsimile the reports required in **Section V.C.(b)(i) and (ii)** above and submit a written notice certified consistently with **Section V.D.** of this permit within 10 working days of the occurrence of the deviation.
[40 CFR § 71.6(a)(3)(iii)(B)]
- (e) For the purposes of Section V. C. of this permit, deviation means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping required by this permit. For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
 - i. A situation when emissions exceed an emission limitation or standard;
 - ii. A situation where process or emissions control device parameter values indicate tha an emission limitation or standard has not been met;
 - iii. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;
 - iv. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs.

[40 CFR § 71.6(a)(3)(iii)(C)]

V.D Document Certification

- (a) Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
[40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]
- (b) All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Office of Air Quality - Part 71 Permits
EPA - Region 10, OAQ 107
1200 Sixth Avenue

VI. Compliance Requirements

VI.A. Compliance with the Permit

- (a) The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[40 CFR § 71.6(a)(6)(i)]

- (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[40 CFR § 71.6(a)(6)(ii)]

- (c) For the purpose of submitting compliance certifications in accordance with **Section VI.B.** of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [Section 113(a) and 113(e)(1) of the Act, 40 CFR § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

VI.B. Compliance Certification

- (a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, annually on the anniversary of the date of issue of this permit. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with **Section V.D.** of this permit.

[40 CFR § 71.6(c)(5)]

- (b) The certification shall include the following:
 - (i) Identification of each permit term or condition that is the basis of the certification.
 - (ii) Identification of the method(s) or other means used for determining the

compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.

- (iii) The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- (iv) Whether compliance with each permit term was continuous or intermittent.

[40 CFR § 71.6(c)(5)(iii)]

VI.C Emergency Provisions

- (a) In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - (iv) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of **Section V.C.(b)** of this permit, concerning prompt notification of deviations.
 - (v) In any enforcement proceeding the permittee attempting to establish the

occurrence of an emergency has the burden of proof.

- (b) An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[40 CFR § 71.6(g)]

VI.D. Compliance Schedule

- (a) For applicable requirements with which the source is in compliance, the permittee will continue to comply with such requirements.
- (b) For applicable requirements that will become effective during the permit term, the permittee shall meet such requirements on a timely basis.

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(A)]

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(B)]

[40 CFR §64.2, §64.5]

VII. Payment of Fees

- (a) The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR § 71.6(a)(7) and § 71.9(a)]

- (b) The permittee shall submit full payment of the annual permit fee each year no later than November 15 of each year.

[40 CFR § 71.9(h)]

- (c) The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

[40 CFR § 71.9(k)(1)]

- (d) The permittee shall send fee payment and a completed fee filing form to

Mellon Bank
U. S. EPA Region 10 3

[40 CFR § 71.9(k)(2)]

- (e) The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by November 15 of each year to the address listed in **Section V.D.(b)** of this permit.¹

[40 CFR § 71.9(h)(1)]

- (f) Basis for calculating annual fee:

- (i) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)”² emitted from the source by the presumptive emission fee ³ (in dollars/ton) in effect at the time of calculation.

[40 CFR § 71.9(c)(1)]

- (1) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation), as defined in 40 CFR § 71.2, emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 CFR § 71.9(c)(6)]

- (2) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 CFR § 71.9(h)(3)]

- (3) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. [40 CFR § 71.9(e)(2)]

¹Permittees should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form.

²The term “regulated pollutant (for fee calculation)” is defined in 40 CFR § 71.2.

³The presumptive emission fee (per ton fee) amount is revised each calendar year to account for inflation and is available from EPA Region 10 prior to the start of each calendar year.

- (ii) The permittee shall exclude the following emissions from the calculation of fees:
 - (1) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;
[40 CFR § 71.9(c)(5)(i)]
 - (2) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and
[40 CFR § 71.9(c)(5)(ii)]
 - (3) The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR § 71.5(c)(11).
[40 CFR § 71.9(c)(5)(iii)]
- (g) Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with **Section V.D.(a)** of this permit.⁴
[40 CFR § 71.9(h)(2)]
- (h) The permittee shall retain in accordance with the provisions of **Section V.B.(b)** of this permit, all work sheets and other materials used to determine fee payments. Records shall be retained for five years following the year in which the emissions data is submitted.
[40 CFR § 71.9(i)]
- (i) Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).
[40 CFR § 71.9(l)]
- (j) The permittee, when notified by EPA Region 10 of additional amounts due, shall remit full payment within 30 days of receipt of an invoice from EPA Region 10.
[40 CFR § 71.9(j)(2)]
- (k) If the permittee thinks an EPA Region 10 assessed fee is in error and wishes to challenge such fee, the permittee shall provide a written explanation of the alleged error to EPA Region 10 along with full payment of the EPA assessed fee.
[40 CFR § 71.9(j)(3)]

VIII. Annual Emissions Inventory

⁴Permittees should note that the fee calculation worksheet form incorporates a section that includes this requirement.

The permittee shall submit an annual emissions report of its actual emissions for the preceding calendar year. The annual emissions report shall be certified by a responsible official in accordance with **section V.D.(a)** of this permit and shall be submitted each year to EPA on November 15. The annual emissions report shall be submitted to EPA at the address listed in **section V.D.(b)** of this permit.⁵

[40 CFR § 71.9(h)(1) and (2)]

IX. Standard Terms and Conditions

IX.A Duty to Provide and Supplement Information

- (a) The permittee shall furnish to EPA Region 10, within a reasonable time, any information that EPA Region 10 may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA Region 10 copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR § 71.6(a)(6)(v), § 71.5(a)(3)]

- (b) The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information.

[40 CFR § 71.5(b)]

IX.B. Severability Clause

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

[40 CFR §71.6(a)(5)]

IX.C. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

[40 CFR §71.6(a)(6)(iv)]

IX.D. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the

⁵Permittees should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet.

permittee shall allow EPA or an authorized representative to perform the following:

- (a) Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (d) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[40 CFR § 71.6(c)(2)]

X. Permit Changes

X.A. Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[40 CFR § 71.6(a)(6)(iii)]

X.B Administrative Permit Amendments

- (a) The permittee may request the use of administrative permit amendment procedures for a permit revision that:
 - (i) Corrects typographical errors.
 - (ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
 - (iii) Requires more frequent monitoring or reporting by the permittee.
 - (iv) Allows for a change in ownership or operational control of a source where the EPA Region 10 determines that no other change in the permit is

necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA Region 10.

- (v) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR § 71.7 and § 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in § 71.6.
- (vi) Incorporates any other type of change which EPA Region 10 has determined to be similar to those listed above in **subparagraphs (i) through (v)**.

[40 CFR § 71.7(d)]

X.C. Minor Permit Modifications

- (a) The permittee may request the use of minor permit modification procedures only for those modifications that:
 - (i) Do not violate any applicable requirement.
 - (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
 - (iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
 - (iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (2) An alternative emission limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.
 - (v) Are not modifications under any provision of title I of the Clean Air Act.

(vi) Are not required to be processed as a significant modification.
[40 CFR § 71.7(e)(1)(i)(A)]

(b) Notwithstanding the list of changes ineligible for minor permit modification procedures in **paragraph (a)** above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR § 71.7(e)(1)(i)(B)]

(c) An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:

- (i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (ii) The source's suggested draft permit;
- (iii) Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (iv) Completed forms for EPA Region 10 to use to notify affected States as required under 40 CFR § 71.8.

[40 CFR § 71.7(e)(1)(ii)]

(d) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA Region 10 takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR § 71.7(e)(1)(v)]

(e) The permit shield under 40 CFR § 71.6(f) does not extend to minor permit modifications.

[40 CFR § 71.7(e)(1)(vi)].

X.D. Group Processing of Minor Permit Modifications

- (a) Group processing of modifications by EPA Region 10 may be used only for those permit modifications:
 - (i) That meet the criteria for minor permit modification procedures under **paragraphs IX.C.(a)** of this permit; and
 - (ii) That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or 5 tons per year, whichever is least.
[40 CFR § 71.7(e)(2)(i)]
- (b) An application requesting the use of group processing procedures shall be submitted to EPA Region 10, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:
 - (i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - (ii) The source's suggested draft permit.
 - (iii) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
 - (iv) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under **subparagraph (a)(ii)** above.
 - (vi) Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.
[40 CFR § 71.7(e)(2)(ii)]
- (c) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and

conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR § 71.7(e)(2)(v)]

- (d) The permit shield under 40 CFR § 71.6(f) does not extend to group processing of minor permit modifications.

[40 CFR § 71.7(e)(1)(vi)].

X.E. Significant Permit Modifications

- (a) The permittee must request the use of significant permit modification procedures for those modifications that:

- (i) Do not qualify as minor permit modifications or as administrative amendments.
- (ii) Are significant changes in existing monitoring permit terms or conditions.
- (iii) Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR § 71.7(e)(3)(i)]

- (b) Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR § 71.7(e)(3)(i)]

- (c) The permittee must submit an application for a significant permit modification using standard application forms provided by EPA Region 10.⁶

[40 CFR § 71.5(c)]

- (d) For the application to be determined complete, the permittee must supply all information that is required by the standard application form, but only that information that is related to the proposed change.

[40 CFR § 71.7(e)(3)]

X.F. Reopening for Cause

- (a) The permit may be reopened by EPA Region 10 and the permit revised prior to expiration under any of the following circumstances:

- (i) Additional applicable requirements under the Act become applicable to a

⁶Note to permittee: Use the same forms used for initial source application.

major part 71 source with a remaining permit term of 3 or more years.

- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
- (iii) EPA Region 10 determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (iv) EPA Region 10 determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

[40 CFR § 71.7(f)]

X.G. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- (a) Each change is not addressed or prohibited by this permit.
- (b) Each change shall meet all applicable requirements and shall not violate any existing permit term or condition.
- (c) Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of Title I of the Clean Air Act.
- (d) The permittee must provide contemporaneous written notice to EPA Region 10 of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
- (e) The permit shield does not apply to changes made under this provision.
- (f) The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

[40 CFR §71.6(a)(12)]

X.H. Emissions Trading and Operational Flexibility

- (a) The permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the **emissions allowable under this permit** (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
 - (i) Changes that would violate applicable requirements; or
 - (ii) Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[40 CFR § 71.6(a)(13)(i)]
- (b) The permittee is required to send a notice to EPA Region 10 at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy this permit.

[40 CFR § 71.6(a)(13)(i)(A)]
- (c) Any permit shield provided under 40 CFR § 71.6(f) does not apply to changes made under this provision.

[40 CFR § 71.6(a)(13)(i)(B)]

X.I. Permit Expiration and Renewal

- (a) This permit shall expire upon the earlier occurrence of the following events:
 - (i) Five (5) years elapses from the date of issuance; or
 - (ii) The source is issued a part 70 or part 71 permit by the Nez Perce Tribe under an EPA Region 10 approved or delegated permit program.

[40 CFR § 71.6(a) (11)]
- (b) Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before January 15, 2005.

[40 CFR § 71.5(a)(1)(iii)]
- (c) If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but EPA Region 10 has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to 40 CFR § 71.6(f) shall remain in effect until

the renewal permit has been issued or denied. This permit shield shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA Region 10.

[40 CFR § 71.7(c)(3), § 71.7(b)]

- (d) Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR § 71.7(c)(1)]

- (e) The application to EPA Region 10 for renewal shall include the current permit number, a description of permit revisions and off-permit changes that occurred during the permit term and were not incorporated into the permit during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR § 71.5(a)(2) and § 71.5(c)(5)]